

City of Northampton
MASSACHUSETTS

In City Council, September 18, 2014

Upon the recommendation of the Department of Public Works

Ordered, that

WHEREAS, the Department of Public Works has obtained a grant for the stabilization of the banks of the Roberts Meadow Brook adjacent to the premises at 71 Reservoir Road and 79 Reservoir Road, Leeds; and

WHEREAS, in order to perform the work necessary to stabilize the banks of the Roberts Meadow Brook, the Department of Public Works requires a temporary easement on and over a portion of the premises at 71 Reservoir Road and 79 Reservoir Road; and

WHEREAS, the owners of the premises at 71 Reservoir Road and 79 Reservoir Road have not agreed to provide the needed temporary easements;

NOW, THEREFORE, BE IT ORDERED

That the City Council authorizes the acquisition by gift, purchase, eminent domain or otherwise, two temporary easements for and on behalf of the Inhabitants of the City of Northampton as follows:

Temporary Easement 1:

Temporary easement on and over the land of Kenneth W. Lynds and Karen A. Lynds shown as "Proposed Temporary Easement Area \approx 1,091 +/- S.F." on a plan entitled, "Plan of Land in Northampton, Massachusetts, Surveyed for the City of Northampton," by Heritage Surveys, Inc., dated September 12, 2014, to be recorded herewith.

Temporary Easement 2:

Temporary easement on and over the land of Roland A. Lamoureux and Gladys A. Lamoureux, shown as "Proposed Temporary Easement Area \approx 3,546 +/- S.F." on a plan entitled, "Plan of Land in Northampton, Massachusetts, Surveyed for the City of Northampton," by Heritage Surveys, Inc., dated September 12, 2014, to be recorded herewith.

In accordance with M.G.L. c. 79, § 12, no damages are payable as a result of this taking inasmuch as the benefit to the subject properties from the stabilization of the banks of the Roberts Meadow Brook exceeds any damages that may result from the temporary easement taken and, therefore, no appropriation is necessary for this taking.

Property Address:
71 Reservoir Road and
79 Reservoir Road
Leeds, MA

ORDER OF TAKING

The undersigned, being the duly elected and sitting members of the City Council of the City of Northampton, in the Commonwealth of Massachusetts, acting under the authority of and in accordance with the provisions of General Laws of the Commonwealth, as from time to time amended, and more particularly Chapter 79, and pursuant to the Order of the Northampton City Council, a true copy of which is attached hereto, does hereby take temporary easements for and on behalf of the Inhabitants of the City of Northampton on and over the parcel described below. The purpose for the taking hereunder is to facilitate the stabilization of the banks of the Roberts Meadow Brook and, in furtherance thereof, to enter and remain upon the easement areas on foot, with vehicles and equipment, and to store vehicles, supplies and equipment thereon for the term of these temporary easements. These temporary easements shall terminate on February 24, 2016 or upon recording a Release of Easement, whichever occurs first. Upon termination of these temporary easements, the City shall restore the land to its previous condition, including loaming, seeding and restoration of driveways.

The temporary easements hereby taken are as follows:

Temporary Easement 1:

Temporary easement on and over the land of Kenneth W. Lynds and Karen A. Lynds shown as "Proposed Temporary Easement Area = 1,091 +/- S.F." on a plan entitled, "Plan of Land in Northampton, Massachusetts, Surveyed for the City of Northampton," by Heritage Surveys, Inc., dated September 12, 2014, to be recorded herewith.

See deed of Gladys A. Lamoureux to Kenneth W. Lynds and Karen A. Lynds, dated April 5, 1977, and recorded in the Hampshire Registry of Deeds in Book 1943, Page 215. See also deed recorded in Book 2715, Page 95.

Temporary Easement 2:

Temporary easement on and over the land of Roland A. Lamoureux and Gladys A. Lamoureux, shown as "Proposed Temporary Easement Area = 3,546 +/- S.F." on a plan entitled, "Plan of Land in Northampton, Massachusetts, Surveyed for the City of Northampton," by Heritage Surveys, Inc., dated September 12, 2014, to be recorded herewith.

See deed of James A. Gilbert to Roland A. Lamoureux and Gladys A. Lamoureux, dated February 25, 1954, and recorded in Book 1161, Page 363.

In accordance with M.G.L. c. 79, § 12, no damages are payable as a result of this taking inasmuch as the benefit to the subject properties from the stabilization of the banks of the Roberts Meadow Brook exceeds any damages that may result from the temporary easement taken.

[SIGNATURE PAGES FOLLOW]

CERTIFICATE OF THE CLERK
CITY COUNCIL, CITY OF NORTHAMPTON, MA

I, Pamela L. Powers, the Clerk of the City Council of the City of Northampton, MA, hereby certify that the attached Order of Taking of a certain temporary easement located in Northampton (Leeds), Hampshire County, Massachusetts, was executed on September 18, 2014, by William H. Dwight, Jesse M. Adams, Maureen T. Carney, Paul D. Spector, Ryan R. O'Donnell, Gina-Louise Sciarra, David A. Murphy, Marianne L. LaBarge, and Alisa Klein, who as of that day, were and are the duly elected members of the City Council of the City of Northampton, MA.

Signed this 19th day of September , 2014.

Pamela L. Powers
Clerk to City Council
City of Northampton, Massachusetts

IN WITNESS WHEREOF, We, the City Council of the City of Northampton, have executed this Order of Taking this 18th day of September 2014.

CITY COUNCIL, CITY OF NORTHAMPTON, MA

William H. Dwight
AT-LARGE COUNCILOR

Jesse M. Adams
AT-LARGE COUNCILOR

Maureen T. Carney
WARD 1 COUNCILOR

Paul D. Spector
WARD 2 COUNCILOR

Ryan R. O'Donnell
WARD 3 COUNCILOR

Gina-Louise Sciarra
WARD 4 COUNCILOR

David A. Murphy
WARD 5 COUNCILOR

Marianne L. LaBarge
WARD 6 COUNCILOR

Alisa Klein
WARD 7 COUNCILOR

